

50 CFR Part 17**Endangered and Threatened Wildlife and Plants; Notice of Finding on a Petition to Emergency List the Amargosa Toad (*Bufo nelsoni*) as Endangered**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding and initiation of status review.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces a 90-day finding on a petition to list the Amargosa toad (*Bufo nelsoni*) under the Endangered Species Act of 1973, as amended (Act). The petition was found to present substantial information indicating the requested action may be warranted. The Service therefore initiates a status review and will prepare a 12 month finding at a later date.

DATES: The finding announced in this document was made on March 17, 1995. Comments and information concerning this petition finding must be submitted within 30 days of the publication of the finding in the **Federal Register** to be considered in the 12-month finding for this petition.

ADDRESSES: Data, information, comments, or questions concerning this finding should be sent to the Field Supervisor, U.S. Fish and Wildlife Service, 4600 Kietzke Lane, Building C Room 125, Reno, Nevada 89502. The petition, finding, and supporting data are available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Sheryl Barrett, Fish and Wildlife Biologist, see **ADDRESSES** section above or telephone 702-784-5227.

SUPPLEMENTARY INFORMATION:**Background**

Section 4(b)(3)(A) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that the U.S. Fish and Wildlife Service (Service) make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information indicating that the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition, and the finding is to be published promptly in the **Federal Register**. This finding is to be based on information contained in the petition and otherwise available to the Service at the time the finding is made. If the finding is that substantial

information was presented, the Service also is required to review the status of the species involved if one has not already been initiated under the Service's internal candidate assessment process.

On September 21, 1994, the Service received a petition dated September 19, 1994, from Mr. D.C. "Jasper" Carlton, Director of the Biodiversity Legal Foundation, to emergency list the Amargosa toad (*Bufo nelsoni*) as endangered under the Endangered Species Act of 1973, as amended (Act).

The petitioner states that the Amargosa toad qualifies for emergency listing as endangered under the Act due to present and threatened destruction, modification, or curtailment of habitat or range; overuse of habitat for commercial, recreational, scientific, or educational purposes; other natural or man-made factors affecting its continued existence; severely restricted range; and inadequacy of existing regulatory mechanisms. The Amargosa toad is endemic to the Oasis Valley, Nye County, Nevada, in an approximately 9-mile stretch of the Amargosa River and nearby springs from Springdale to the Narrows south of Beatty. The petition noted that Hoff (1994) asserts that off-road vehicles, water diversions, grazing, and non-native predators have caused this species to decline from the thousands reported in 1958 to only 30 adult and juvenile toads observed in 1994 in Oasis Valley.

The Service included the Amargosa toad as a category 2 species in the August 2, 1977, Animal Notice of Review (42 FR 39121). It was subsequently categorized as a category 1 species in the December 30, 1982, Notice of Review (47 FR 58454) and again as a category 2 species in the September 18, 1985, Notice of Review (50 FR 37960). On November 14, 1994, the Service changed its classification back to category 1, with a listing priority of 2 (59 FR 58982). Assignment of the Amargosa toad to category 1 means that this is a taxa for which the Service has on file sufficient information on biological vulnerability and threats to support a proposal to list the taxa as an endangered or threatened species.

The Service finds that substantial information has been presented indicating that listing of the Amargosa toad may be warranted. However, emergency listing is not warranted at this time because an immediate threat of extinction does not exist. Several actions (e.g., fencing and removing introduced crayfish from Lower Indian springs, and removing catfish from Harlan/Keel Spring, etc.) aimed at conserving this species are ongoing.

This decision is based on scientific and commercial information contained in the petition, provided as attachments to the petition, and otherwise available to the Service. The Service requests any additional data, comments, and suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested parties concerning the status of the Amargosa toad. Of particular interest is information on the Amargosa toad regarding—(1) The existence and status of additional populations, (2) environmental factors determining its distribution, (3) life history information, and (4) existing conservation efforts.

References Cited

A complete list of all references cited herein is available upon request from the Reno Field Office (see **ADDRESSES** section).

Authors

The primary authors of this document are Dr. Patricia G. Zenone and Sheryl L. Barrett of the Reno Field Office (see **ADDRESSES** above).

Authority

The authority for this action is the Endangered Species Act of 1973 as amended (16 U.S.C. 1531 *et seq.*).

Dated: March 17, 1995.

Mollie H. Beattie,

Director, Fish and Wildlife Service.

[FR Doc. 95-7204 Filed 3-22-95; 8:45 am]

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50 CFR Part 17

RIN 1018-AC48

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period on Proposed Rule to Reclassify the Bald Eagle From Endangered to Threatened

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The U.S. Fish and Wildlife Service (Service) is reopening the comment period on the bald eagle reclassification proposal for thirty days. On July 12, 1994, the Service proposed reclassifying the bald eagles of the lower 48 States as threatened, except those already listed as threatened and those of the Southwestern Recovery Region and Mexico. The bald eagles of the Southwestern Recovery Region were proposed to remain listed as

endangered. The Service also proposed classifying bald eagles in Mexico as endangered; they are not currently listed as endangered or threatened. Specific public comment was solicited on the status of bald eagles in the Southwest and Mexico and the distinctness of those eagles as a separate population. New information indicates that the Southwestern and Mexican bald eagles may not warrant a classification as endangered. The Service is making available for public review and comment information recently received about bald eagles of the Southwestern Recovery Region.

DATES: The comment period on the proposal is reopened, effective immediately, and will close on April 24, 1995.

ADDRESSES: Interested parties may obtain copies of the comments and other information listed below from the Chief, Division of Endangered Species, U.S. Fish and Wildlife Service, Bishop Henry Whipple Federal Building, 1 Federal Drive, Ft. Snelling, Minnesota 55111-4056 (612/725-3536; fax 612/725-3526). Copies may also be obtained from the State Supervisor, Arizona Ecological Services State Office, 2321 W. Royal Palm Road, Phoenix, Arizona 85021 (602/640-2720; fax 602/640-2730).

Send written comments and other materials to the above Ft. Snelling, Minnesota, Regional Office address. Comments and materials received will be available for public inspection during normal business hours, by appointment, at that address.

FOR FURTHER INFORMATION CONTACT: Jody Gustitus Millar, Bald Eagle Recovery Coordinator, Fish and Wildlife Service, 4469-48th Avenue Court, Rock Island, Illinois 61201 (309/793-5800; fax 309/793-5804).

SUPPLEMENTARY INFORMATION:

Background

The bald eagle (*Haliaeetus leucocephalus*) is listed as endangered under the Endangered Species Act of 1973, as amended (Act), in the lower 48 States except Washington, Oregon, Minnesota, Wisconsin, and Michigan, where it is listed as threatened. The bald eagle also occurs in Alaska and Canada, where it is not at risk and is not protected under the Act; and in small numbers in northern Mexico. The Service proposed in the July 12, 1994, **Federal Register** notice (59 FR 35584) to reclassify the bald eagle from endangered to threatened in the lower 48 States except in certain portions of the American Southwest and to classify bald eagles in Mexico as endangered. That notice also stated that comments

and other information received by the Service may lead to a final regulation that differs from the original proposal, including the possible complete reclassification to threatened status for all bald eagles south of Canada.

The Service has received significant new information regarding Southwestern bald eagles and has re-examined other information. Existing information at the time of the proposed rule fails to identify any unique genetic characteristics possessed by the Southwestern bald eagles. New information indicates that the bald eagles of the Southwestern Recovery Region and Mexico are not likely to be reproductively isolated. Evidence of recruitment has recently been found from the Southeastern Recovery Region into the Southwestern Recovery Region and Mexico. Unique threats to Southwestern bald eagles remain, but their significance is diminished in light of immigration into the population segment.

The Service is now considering reclassifying the eagles of the Southwestern Recovery Region as threatened, and classifying the bald eagles of Mexico as threatened. The bald eagle would remain threatened in the five States where it is currently listed as threatened. This modified action, if finalized, would not alter those conservation measures already in force to protect the species and its habitats.

The **Federal Register** notice announcing the proposed rule opened a public comment period that ended on October 11, 1994; the deadline for receipt of public hearing requests was August 26, 1994. Public hearings were subsequently held, and the comment period was extended in a September 30, 1994 notice (59 FR 49908) to accommodate them. The extended comment period closed November 9, 1994. This notice reopens the comment period for 30 days to allow interested parties to obtain copies of the following documents and to submit additional comments on the proposed rule.

References

- Driscoll, D.E., R.I. Mesta and J.T. Driscoll. 1993. Population ecology and demography of bald eagles in Arizona: 1991-1993. American Eagle Research Institute, Mesa, Arizona 74pp.
- Driscoll, Dan (American Eagle Research Institute) 1995. Letter to U.S. Fish and Wildlife Service, Phoenix, Arizona.
- Driscoll, Dan (American Eagle Research Institute) 1995. Letter to U.S. Fish and Wildlife Service, Rock Island, Illinois.
- Mabie, D.W., M.T. Merendino and D.H. Reid. 1994. Dispersal of bald eagles fledged in Texas. *Journal of Raptor Research* 28(4):213-219.

- Montoya, Bill (Director, New Mexico Department of Game & Fish). 1994. Letter to U.S. Fish and Wildlife Service.
- Shroufe, Duane. (Director, Arizona Game & Fish Department). 1994. Letter to U.S. Fish and Wildlife Service.
- Spiller, Sam. (State Supervisor, U.S. Fish and Wildlife Service, Phoenix, Arizona). 1994. Memo to U.S. Fish and Wildlife Service, Twin Cities, Minnesota.

Author

The primary author of this notice is Jody Gustitus Millar, Bald Eagle Recovery Coordinator, Fish and Wildlife Service, 4469-48th Avenue Court, Rock Island, Illinois 61201.

Authority

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: March 15, 1995.

Mollie H. Beattie,

Director, Fish and Wildlife Service.

[FR Doc. 95-7205 Filed 3-22-95; 8:45 am]

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50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 12-Month Finding for a Petition to List the Southern Rocky Mountain Population of the Boreal Toad as Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 12-month petition finding.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces a 12-month finding for a petition to list the southern Rocky Mountain population of the boreal toad (*Bufo boreas boreas*) under the Endangered Species Act of 1973, as amended. After review of all available scientific and commercial information, the Service finds that listing this species is warranted but precluded by other higher priority actions to amend the Lists of Endangered and Threatened Wildlife and Plants.

DATES: The finding announced in this document was made on March 15, 1995. Comments, questions, or information regarding status and threats to the boreal toad may be submitted until further notice.

ADDRESSES: Comments, questions, or information concerning this finding may be submitted to the Assistant Field Supervisor, U.S. Fish and Wildlife Service, 764 Horizon Drive, South Annex A, Grand Junction, Colorado 81506-3946. The petition, finding, and supporting documents are available for public inspection, by appointment,